

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLAUDIO TUDOR

Defendant

NO. CR 11-0027 RAJ

DEFENDANT'S SENTENCING
MEMORANDUM

The Defendant, CLAUDIO TUDOR, by and through counsel, JESSE CANTOR, hereby submits This Sentencing Memorandum in support of 57 months in custody.

I. INTRODUCTION

Claudio Tudor is a 37 year old man who is being sentenced before This Court following a plea of guilty to one count of Bank Fraud, one count of Conspiracy to Commit Access Device Fraud, and one count of Aggravated Identity Theft. The defendant pled guilty and accepted responsibility for being involved in an "ATM skimming" plan where he and his co-defendant would install on ATM machines hidden card readers and small cameras that would track data from a credit or debit card as well as capture the PIN number for each card. Later, with that data, the defendants would duplicate the data on to counterfeit cards and use the counterfeit cards to withdraw money and to purchase merchandise.

SENTENCING MEMO - 1

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1 Mr. Tudor admitted that the criminal activity resulted in actual loss amounting to
2 \$230,625.35. As part of his plea agreement, Mr. Tudor is agreeing to pay that amount back as
3 part of his restitution obligation.

4
5 II. USSG CALCULATIONS

6 The Defense and the Government are in agreement with respect to the following
7 sentencing guideline calculations:

- 8 1) The base offense level is 7;
9
10 2) The enhancement for economic loss, being more than \$200,000 but less than
11 \$400,000, is +12
12 3) The enhancement for the number of victims, being 50 or more but less than 250, is
13 +4.
14 4) The reduction for acceptance of responsibility is – 3

15 Accordingly, the Government and the defense are in agreement that the defendant's total offense
16 level is at level 20. With a criminal history category of zero (0), the defendant's advisory
17 guideline range is 33 to 41 months.

18 Mr. Tudor also pled guilty to one count of aggravated identity theft. This conviction
19 carries a mandatory prison commitment of 24 months that must be served consecutive to any
20 other commitment. As such, The Government and the Defense are in agreement that Mr.
21 Tudor's overall sentencing range is 57 to 65 months. Finally, the Government and the defense
22 have agreed to argue that the correct standard range for Mr. Tudor is 57 to 65 months in custody.
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III. PERSONAL HISTORY AND CHARACTERISTICS

There is no dispute that Claudio Tudor caused a significant amount of harm and damage as a result of his criminal conduct. For that he will be spending roughly 5 years in Federal Prison in addition to owing a six figure restitution debt. However, there is a whole other side to Mr. Tudor that does not involve a life of crime. He is a young man with enormous personal responsibilities. Specifically, he has served as a significant caretaker for his elderly mother who currently is experiencing major health problems.

Mr. Tudor's mother, Stefania Costache, appeared in court on December 30th 2010 for her son's detention hearing. When Mr. Tudor was remanded to custody pending trial, Stefania passed out in open court and the medics were then called for assistance. Ms. Costache not only suffers from hypertension and diabetes, but she is also battling breast cancer. As noted by the letters presented to This Court, Mr. Tudor had been taking his mother to all of her medical appointments. He also has made sure that she received all of her proper medical care.

The most unfortunate consequence of the offense is that now Mr. Tudor will be separated from Stefania and will not be able to help her during this very difficult period for several years. I have personally met Ms. Costache and Mr. Tudor's family on many occasions and I can say that Stefania's appearance and condition seem to have worsened since Mr. Tudor's incarceration.

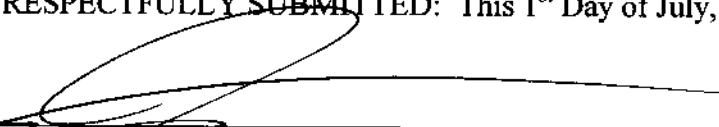
The impact of Stefania's medical condition on Mr. Tudor after his incarceration has been simply devastating for Mr. Tudor. In fact, in his mind the real punishment that he will experience will be the extended separation and the guilt of not being able to help her during this time of need.

Prior to his arrest, Mr. Tudor's run-ins with the law never really netted any significant punishment. He would receive, for example, community service or a suspended sentence in

1 municipal court. But never has he experienced the hammer of prison. Mr. Tudor realizes that
2 what he has done caused a lot of damage to many people, apart from just his family. He is
3 deeply remorseful about what he has done and he is prepared to spend the next 5 years thinking
4 about the harm he has caused.

5 There is an eight month difference between the low end of the range and the high end of
6 the range. Although Mr. Tudor has been arrested before, he technically is still a "first offender"
7 given that he has "zero" criminal history. 57 months in prison will without a doubt send the
8 same message as 65 months that identity theft crimes are serious and will be punished with a
9 serious penalty. And whether the court imposes 57 months or 65 months, the Court's sentence
10 will undoubtedly have a life changing impact on the defendant for purposes of future deterrence.
11 He will essentially spend 5 years in prison followed by 5 years of supervised release. So for the
12 next 10 years, Mr. Tudor will have no room for error. For a 37 year old man with a 5 year old
13 son and an ailing mother, the risk of recidivism seems very low, even with a 57 month
14 commitment. For these reasons, 57 months is a sufficient punishment that meets purpose of 18
15 U.S.C. Section 3553(a), in addition to the intent of the parties in crafting a fair and just
16 resolution.
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18
19 RESPECTFULLY SUBMITTED: This 1st Day of July, 2011
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22 Jesse Cantor, WSBA # 26736
23 Attorney for Claudio Tudor
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4 **LETTERS OF SUPPORT**
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SENTENCING MEMO - 5

Jesse Cantor, # 26736
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4-25-11

to whom it my concern

please my son is a good person
he would alway try to help me
and other people I have brest+cancer
dibetic and I had a stroke he
was the one who took me to my
dr appointments please judge help
me keep my son here I have no
car and can't travel I Love my
son want to be able to see my
son just can't go very far away
thank you judge for Looking
at all my sons papers

Thanks



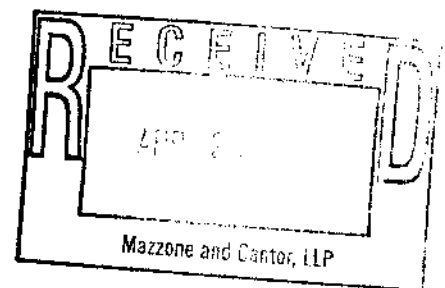
Stefania, Costache

4-23-11

To: whome it my concern

I am Heidi Raslich the mother of Claudio Tudor's Son. I have known Claudio for about 18 years ~~he~~ he lived a few houses away from me. and as long as I can remember he has alway taken care of his mom She has a lot of doctor's appointments due to her cancer and other ^{Health} problems when our son was born in August of 2005 he has been there for him Claudio is a very kind hearted person and would do anything to help anybody out

Thanks
Heidi Raslich



To whom it may concern,

I am Sanda Ivan, resident in Seattle WA,
and I know Tudor Claudiu since 1997.
He is a very good and respectful person,
also very kind taking care of his mother
Stephanie who is in difficult medical conditions.
Claudiu Tudor is a good friend always
willing to offer volunteer services.

Sincerely

Sanda Ivan,

I am ELENA SUCHU resident of
Renton, WA. 98059 area, I know Tudor
Claudio since 2000 he was very good son
respectful his mom, taking care of his mom
very respectful for his neighbors and friends.
His mom long time help me with house keeping.
Claudio bring his mom to me & pick his mom
taking her home,

If you have questions
call me, Elena

at 425.430.9536,

4.20.112

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www.elimchristian.org



To whom It May Concern:

Pastor Ovidiu and Elim Christian Church have known Claudiu Tudor for many years, as he attended our church on a regular basis.

Claudiu Tudor is known as a man of honor, respectful and always willing to offer his volunteer services when needed in the church. He is a soft spoken person with a desire to help others in need, and also a person who is not shying away from involving himself in hard work when called for.

Should anyone inquire about Claudiu Tudor, the church recommends him as a man of integrity and trustworthiness.

Thank You,

Sincerely,

A handwritten signature in black ink, appearing to read 'Ovidiu Piscuc', with a large, sweeping flourish at the end.

Ovidiu Piscuc
Pastor

Liberated for joy. Liberated to serve.

"It is for freedom that Xrist set us free. Stand firm, therefore, and refuse to submit again to the yoke of slavery." Galatians 5:1



Renton First United Methodist Church

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Web Site: www.gbqm-umc.org/renton1stumc/

Pastor: Edsel D. Goldson

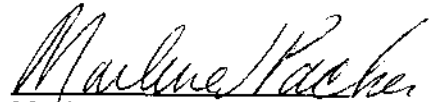
4/17/11

To Whom It May Concern

This is to affirm that I have known
Tudor Claudio's Mother Stephanie
for four years. She has given her
fullest support to her son Tudor
as he has continued his earnest
effort to get his life together. He
has been a good son to her.

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent electronically to the Assistant U.S. Attorneys, counsel of record for the Government, and any other appropriate party to the case. I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:
N/A.



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Certificate of Service

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